



Attorney Docket No. 00029.11CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Joshua D. Rabinowitz, et al.)
Serial No.: 10/767,115) Examiner: M. Haghigian
Filing Date: January 28 2004) Group Art Unit: 1616
For: DELIVERY OF ANTISSYCHOTICS)
THROUGH AN INHALATION ROUTE)
)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INFORMATION DISCLOSURE STATEMENT

Applicant calls the Examiner's attention to the patents and publications listed on the attached Form PTO-1449, copies of required documents enclosed, which may be material to examination of the above identified application.

TIME OF TRANSMITTAL

This Information Disclosure Statement is being submitted under 37 CFR § 1.97(c). This Statement is filed after three months from the filing date of the national application, after three months from the date of entry into national stage under 37 CFR § 1.491, after the mailing of a first Office Action on the merits, or after the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR § 1.114, but before the mailing date of any of:

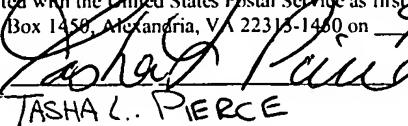
- (a) a final action under 37 CFR § 1.113;
- (b) a notice of allowance under 37 CFR § 1.311; or
- (c) an action that otherwise closes prosecution in the application.

This Statement is accompanied by a check for \$180 in accordance with 37 CFR §§ 1.97(c) and 1.17(p). The undersigned hereby authorizes the charging of any deficiency of fees submitted herewith to Deposit Account No. 19-5117.

37 CFR 1.8

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 9/23/05.

Signature: 
Name: TASHA L. PIERCE

180.00 op

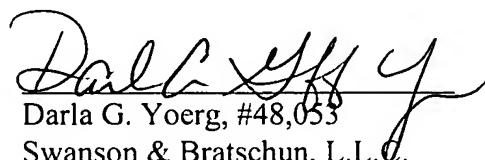
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The filing of this Information Disclosure Statement shall not be construed as an admission against interest in any manner. This listed patents and publications are believed of interest herein and consideration and citation of as interest by Examiner is respectfully requested.

Respectfully submitted,

Date: September 23, 2005



Darla G. Yoerg, #48,053

Swanson & Bratschun, L.L.C.
1745 Shea Center Drive, Suite 330
Highlands Ranch, Colorado 80129
303-268-0066 Telephone
303-268-0065 Facsimile

cc: W. Leschensky

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| FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE | | ATTY. DOCKET NO. 00029.11CON | SERIAL NO. 10/767,115 |
| List of Information Checked by Applicant Page 1 of 3 SEP 26 2005 | | APPLICANT Rabinowitz, et al. | |
| | | FILING DATE January 28, 2004 | GROUP 1616 |

| U.S. PATENT DOCUMENTS | | | | | | | |
|-----------------------|----|-----------------|------------|-------------------|-----|---------|-----------|
| EXAM. INITIAL | | DOCUMENT NUMBER | DATE | NAME | CLS | SUB-CLS | FILE DATE |
| | AA | 10/057,198 | 10/26/2001 | Lloyd et al. | | | |
| | AB | 10/146,088 | 05/13/2002 | Hale et al. | | | |
| | AC | 10/280,315 | 10/25/2002 | Shen | | | |
| | AD | 10/302,614 | 11/21/2002 | Lu | | | |
| | AE | 10/322,227 | 12/17/2002 | Novack et al. | | | |
| | AF | 10/442,385 | 05/20/2003 | Cross et al. | | | |
| | AG | 10/719,540 | 11/20/2003 | Hale et al. | | | |
| | AH | 10/750,303 | 12/30/2003 | Rabinowitz et al. | | | |
| | AI | 10/850,895 | 05/20/2004 | Damani et al. | | | |
| | AJ | 10/851,018 | 05/20/2004 | Hale et al. | | | |
| | AK | 10/851,429 | 05/20/2004 | Hale et al. | | | |
| | AL | 10/851,432 | 05/20/2004 | Hale et al. | | | |
| | AM | 10/851,883 | 05/20/2004 | Hale et al. | | | |
| | AN | 10/861,554 | 06/03/2004 | Cross et al. | | | |
| | AO | 10/912,417 | 08/04/2004 | Bennett et al. | | | |
| | AP | 10/917,720 | 08/12/2004 | Hale et al. | | | |
| | AQ | 10/917,735 | 08/12/2004 | Hale et al. | | | |

| FOREIGN PATENT DOCUMENTS | | | | | | | |
|--------------------------|----|-----------------|------------|---------------|-----|---------|---------|
| EXAM. INITIAL | | DOCUMENT NUMBER | DATE | COUNTRY | CLS | SUB CLS | TRANS ? |
| | AR | GB 502 761 | 03/24/1939 | Great Britain | | | |
| | AS | WO 94/09842 | 05/11/1994 | WIPO | | | |
| | AT | WO 97/36574 | 10/09/1997 | WIPO | | | |
| | AU | WO 03/37412 | 05/08/2003 | WIPO | | | |

| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) | | |
|--|----|---|
| | AV | Office Action mailed 12/04/03 for US App. No. 10/057,198 filed 10/26/01, "Method And Device For Delivering A Physiologically Active Compound" |
| | AW | Office Action mailed 01/12/05 for US App. No. 10/057,197 filed 10/26/01, "Aerosol Generating Device And Method" |
| | AX | Office Action mailed 06/03/04 for US App. No. 10/057,197 filed 10/26/01, "Aerosol Generating Device And Method" |
| | AY | Office Action mailed 12/15/03 for US App. No. 10/057,197 filed 10/26/01, "Aerosol Generating Device And Method" |
| | AZ | Office Action mailed 02/27/04 for US App. No. 10/146,080 filed 05/13/02, "Aerosol Forming Device For Use In Inhalation Therapy" |

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|---|-----------------|
| EXAMINER | DATE CONSIDERED |
| *EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. | |

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OFFICE

List of Information Cited by Applicant

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APPLICANT

Rabinowitz, et al.

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1616

U.S. PATENT DOCUMENTS

| EXAM. INITIAL | | DOCUMENT NUMBER | DATE | NAME | CLS | SUB- CLS | FILE DATE |
|------------------|-----|--------------------|------------|------------------|-----|-------------|--------------|
| | BA | 3,219,533 | 11/23/1965 | Mullins | | | |
| | BB | 3,949,743 | 04/13/1976 | Shanbrom | | | |
| | BG | 3,982,095 | 09/21/1976 | Robinson | | | |
| | BD | 4,141,369 | 02/27/1979 | Burruss | | | |
| | BE | 4,303,083 | 12/01/1981 | Burruss, Jr. | | | |
| | BF | 4,474,191 | 10/02/1984 | Steiner | | | |
| | BG | 4,484,576 | 11/27/1984 | Albarda | | | |
| | BH | 4,566,451 | 01/28/1986 | Badewien | | | |
| | BI | 4,708,151 | 11/24/1987 | Shelar | | | |
| | BJ | 4,734,560 | 03/29/1988 | Bowen | | | |
| | BK | 4,735,217 | 04/05/1988 | Gerth et al. | | | |
| | BL | 4,819,665 | 04/11/1989 | Roberts et al. | | | |
| | BM | 4,848,374 | 07/18/1989 | Chard et al. | | | |
| | BN | 4,853,517 | 08/01/1989 | Bowen et al. | | | |
| | BD | 4,906,417 | 03/06/1990 | Gentry | | | |
| | BD | 4,917,119 | 04/17/1990 | Potter et al. | | | |
| | BQ | 4,924,883 | 05/15/1990 | Perfetti et al. | | | |
| | BR | 4,941,483 | 07/17/1990 | Ridings et al. | | | |
| | BS | 4,963,289 | 10/16/1990 | Ortiz et al. | | | |
| | BT | 5,042,509 | 08/27/1991 | Banerjee et al. | | | |
| | BU | 5,060,671 | 10/29/1991 | Counts et al. | | | |
| | BV | 5,099,861 | 03/31/1992 | Clearman et al. | | | |
| | BW | 5,135,009 | 08/04/1992 | Muller et al. | | | |
| | BX | 5,144,962 | 09/08/1992 | Counts et al. | | | |
| | BY | 5,146,915 | 09/15/1992 | Montgomery | | | |
| | BZ | 5,224,498 | 07/06/1993 | Deevi et al. | | | |
| | BAA | 5,345,951 | 09/13/1994 | Serrano et al. | | | |
| | BBB | 5,366,770 | 11/22/1994 | Wang | | | |
| | BCC | 5,456,247 | 10/10/1995 | Shilling et al. | | | |
| | BDD | 5,511,726 | 04/30/1996 | Greenspan et al. | | | |
| | BEE | 5,564,442 | 10/15/1996 | MacDonald et al. | | | |
| | BFF | 5,592,934 | 01/14/1997 | Thwaites | | | |
| | BGG | 5,605,146 | 02/25/1997 | Sarela | | | |

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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|---|--|-------------------|
| FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE List of Information Cited by Applicant Page 3 of 3 | ATTY. DOCKET NO. | SERIAL NO. |
| | 00029.11CON | 10/767,115 |
| | APPLICANT Rabinowitz, et al. | |
| | FILING DATE | GROUP |
| | January 28, 2004 | 1616 |

| U.S. PATENT DOCUMENTS | | | | | | | |
|-----------------------|-----|--------------------|------------|-----------------|-----|-------------|--------------|
| EXAM. INITIAL | | DOCUMENT NUMBER | DATE | NAME | CLS | SUB- CLS | FILE DATE |
| | CA | 5,649,554 | 07/22/1997 | Sprinkel et al. | | | |
| | CB | 5,666,977 | 09/16/1997 | Higgins et al. | | | |
| | CC | 5,743,251 | 04/28/1998 | Howell et al. | | | |
| | CD | 5,819,756 | 10/13/1998 | Mielordt | | | |
| | CE | 5,840,246 | 11/24/1998 | Hammons et al. | | | |
| | CL | 5,855,913 | 01/05/1999 | Hanes et al. | | | |
| | CG | 5,874,481 | 02/23/1999 | Weers et al. | | | |
| | CR | 5,894,841 | 04/20/1999 | Voges | | | |
| | CI | 5,918,595 | 07/06/1999 | Olsson et al. | | | |
| | CJ | 6,090,212 | 07/18/2000 | Mahawili | | | |
| | CI | 6,131,570 | 10/17/2000 | Schuster et al. | | | |
| | CL | 6,136,295 | 10/24/2000 | Edwards et al. | | | |
| | CM | 6,155,268 | 12/05/2000 | Takeuchi | | | |
| | CN | 6,158,431 | 12/12/2000 | Poole | | | |
| | CO | 6,234,167 | 05/22/2001 | Cox et al. | | | |
| | CP | 6,632,047 | 10/14/2003 | Vinegar et al. | | | |
| | CQ | 6,701,922 | 03/09/2004 | Hindle et al. | | | |
| | CR | 6,772,756 | 08/10/2004 | Shayan | | | |
| | CS | 2002/0117175 | 08/29/2002 | Kottayil et al. | | | |
| | CT | 2004/0016427 | 01/29/2004 | Byron et al. | | | |
| | CU | | | | | | |
| | CV | | | | | | |
| | CW | | | | | | |
| | CX | | | | | | |
| | CY | | | | | | |
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